

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-9250-2022

Date of Decision: 4.5.2022

Prahlad

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Laghuinder Singh Sekhon, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.379 dated 5.8.2020 registered for the offences punishable under Sections 15, 20-B, 27-A, 29, 31 of NDPS Act and Section 25 of Arms Act at Police Station City Fatehabad, District Fatehabad.

Counsel for the petitioner contends that the petitioner has been falsely implicated in this case on the basis of alleged disclosure made by co-accused Varinder Kumar and Vinod. Counsel further contends that as per prosecution version, non-commercial quantity of contraband was recovered from the possession of co-accused Vinod Kumar @ Batra, Balwinder Singh, Virender and Hari Singh ; that the present petitioner was arrested on 10.9.2021 and no incriminating substance was recovered from his possession. Counsel further contends that it will take time for completion of the trial and as such, no purpose is going to be served by keeping the

petitioner behind the bars for any further period.

Present petition is contested by the State counsel, who submitted that name of the petitioner was figured during interrogation of co-accused Virender and Vinod Kumar @ Batra and thereafter, the petitioner was arrested. Counsel further contended that the trial is yet to begin and as such, no ground is made out to grant bail to the petitioner at this stage.

I have considered the submissions made by the counsel for the parties.

In this case, 1 Kg and 200 grams of *ganja* was recovered from Vinod Kumar @ Batra and Balwinder Singh while 31 Kg of poppy husk was recovered from Virender and Hari Singh. Said contraband falls under non-commercial quantity as per provisions of NDPS ct. No incriminating article was recovered from the possession of the petitioner who is in custody since 10.9.2021. After completion of investigation, challan has been presented but it will take time for culmination of the trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

May 4, 2022

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No